

Application No. 09/574,472  
Amdt. dated October 4, 2004  
Reply to Office Action of July 13, 2004

PATENT

REMARKS

Applicant respectfully requests reconsideration of this application, as amended, and reconsideration of the Office Action dated July 13, 2004. Upon entry of this Amendment, claims 1-13 will remain pending in this application.

In the Office Action, the Examiner objected to the specification because of an informality. Accordingly, the first paragraph, line 6, page 1 has been amended to correct the informality, namely, a typographical error in referencing Applicant's co-pending patent application. In addition, the fourth paragraph, line 15, page 7 has been amended to correct an obvious error in referencing parts of the invention labeled in Figure 4. Lastly, the table, line 8, page 8 and the 6th paragraph, line 18, page 11 have been amended to correct minor typographical errors.

With respect to the claims, the Examiner objected to Claims 1, 2, 6, 7, 11, and 12 because of certain informalities. Thus, such claims have been amended to correct the informalities. The Examiner will note that Claims 2, 7, and 12 (although Claim 12 was not objected to by the Examiner) have been amended to claim a Markush group, rather than replacing the word "the" with the word "a" in the term "the set" as suggested by the Examiner.

Also in the Office Action, the Examiner rejected Claims 1-13 under 35 U.S.C. § 112, second paragraph, as being indefinite. Consequently, independent Claims 1, 6, and 11 have been revised to provide proper antecedent basis for the term "estimated subjective quality."

In response to the Examiner's request for clarification regarding the meaning of "the difference" between "the estimated subjective quality" and "the average value of said estimated subjective quality" in Claims 4, 5, 9, and 10, Applicant respectively submits that the meaning is made clear upon recognition that, as provided for in independent Claims 1 and 6, the estimated subjective quality of each signal is determined at each of a plurality of monitoring intervals. Accordingly, the recited claim language describes the difference between the estimated subjective quality determined at the present interval and the average value of the estimated subjective quality determinations of the preceding intervals.

Application No. 09/574,472  
Amdt. dated October 4, 2004  
Reply to Office Action of July 13, 2004

PATENT

Applicant respectfully submits that this Amendment obviates the outstanding objections and rejections in this case and places the application in condition for allowance. Allowance of this application is earnestly solicited.

If any additional fees are due in connection with the filing of this Amendment or the accompanying papers, such as fees under 37 C.F.R. §§1.16 or 1.17, please charge the fees to SGR Deposit Account No. 02-4300, Order No. 041253.007. If an additional extension of time under 37 C.F.R. §1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The additional extension fee also should be charged to SGR Deposit Account No. 02-4300, Order No. 041253.007. Any overpayment can be credited to Deposit Account No. 02-4300, Order No. 041253.007.

Respectfully submitted,



Dale Lischer, Reg. No. 28,438

Dated: October 4, 2004  
SMITH, GAMBRELL & RUSSELL, LLP  
1230 Peachtree Street, N.E.  
Suite 3100, Promenade II  
Atlanta, GA 30309-3592  
TEL: (404) 815-3741  
FAX: (404) 685-7041